

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 24461 of 2004

Between:

M/s.Ganesh Builders, rep.by its Managing partner,

K.Madhusudhan Reddy,
S/o.K.Ramana Reddy, R/o.204,

Aged 54 years,

White House, Banjara Hills,
Road No.13, Hyderabad.

..... PETITIONER

AND

1. A.P.Industrial Development Corporation, Basheerabagh,

Hyderabad, rep. by its,
Vice-Chairman/Managing Director.

2. A.P.Industrial Development Corporation, Basheerabagh,

Hyderabad, rep.by its Chief General Manager (REH-II).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order, or direction, more particularly one in the nature of writ of Mandamus to declare the action of the Respondents in insisting on executing a sale deed in terms of A.P.Registration Act 1908, in respect of movables like plant, Machinery & D.G.set, which are sold along with the land and not registering the land and the building alone as bad in law, illegal, arbitrary and against law, and

consequently direct the respondents to register the auctioned land and building alone, which was purchased by the petitioner, in public auction, conducted by the respondents as per Tender Notice

dt.7-5-2002, belonging to Sri Dhanalakshmi Agro Oils Pvt.Ltd., Vavilelipadu(V) Mthkur, Muthkur Road, Nellore District, admeasuring 2.387 Heactares with RCC Building in 439.51 sq.mts. in favour of the petitioner, without insisting on registering the movables like plant, machinery & D.G.Set along with the land & building i.e. the immovable properties as the total sale consideration was paid long back in 2003, in the interest of justice.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY

Counsel for the Respondents: MR.C.V.MOHAN REDDY, SC FOR APIDC.

The Court, at the stage of admission, made the following:

ORDER:

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This writ petition is filed seeking a mandamus to declare the action of the respondents in insisting on executing a sale deed in terms of A.P.Registration Act 1908, in respect of movables like plant, Machinery & D.G.set, which were sold along with the land and not registering the land and the building alone as illegal, arbitrary and against law, and consequently to direct the respondents to register the auctioned land and building alone, which was purchased by the petitioner in public auction, conducted by the respondents as per Tender Notice dt.7-5-2002, belonging to Sri Dhanalakshmi Agro Oils Pvt.Ltd., Vavilelipadu(V) Mthkur, Muthkur Road, Nellore District, admeasuring 2.387 hectares with RCC Building in 439.51 sq.mts. in favour of the petitioner, without insisting on registering the movables like plant, machinery & D.G.Set along with the land and building i.e. immovable properties, as the total sale consideration was paid long back in 2003.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

According to the learned counsel for the petitioner the movable properties like plant, machinery and D.G.Set purchased by the petitioner were of no use and,

therefore, he sought for a direction to the respondents to register the sale deed in respect of immovable properties like land and building.

The learned counsel for the respondents opposed the same on the ground that when the sale certificate was given in respect of land, building, plant, machinery and D.G.Set, the petitioners have to pay the registration charges.

It is for the respondents to take appropriate decision whether to register the moveables like plant, machinery and D.G.Set in accordance with law.

Having regard to the fact that the representation submitted by the petitioner is already pending consideration by the respondent-Corporation, I am not inclined to go into the merits of the case. However, the respondent-Corporation is directed to take appropriate decision on the representation of the petitioner dated 02-11-2004, in accordance with law.

The writ petition is accordingly disposed of. There shall be no order to costs.

07-03-2005.

Lrkm.

To

1. The Vice-Chairman/Managing Director,
A.P.Industrial Development Corporation,

Basheerabagh, Hyderabad,

2. The Chief General Manager (REH-II),

A.P.Industrial Development Corporation,

Basheerabagh, Hyderabad,.

3. 2 CD copies.

